

108TH CONGRESS
1ST SESSION

H. R. 1676

To amend chapter 55 of title 5, United States Code, to exclude availability pay for Federal criminal investigators from the limitation on premium pay; to modify levels of special pay adjustments for Federal law enforcement officers in certain areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2003

Mr. ROGERS of Michigan (for himself, Mrs. JO ANN DAVIS of Virginia, and Mrs. EMERSON) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To amend chapter 55 of title 5, United States Code, to exclude availability pay for Federal criminal investigators from the limitation on premium pay; to modify levels of special pay adjustments for Federal law enforcement officers in certain areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Law Enforce-
5 ment Officers Pay Equity and Reform Act”.

1 **SEC. 2. LIMITATION ON PREMIUM PAY.**

2 (a) IN GENERAL.—Section 5547 of title 5, United
3 States Code, is amended—

4 (1) in subsection (a), by striking “5545a,”;

5 (2) in subsection (c), by striking “or 5545a”;

6 and

7 (3) in subsection (d), by striking the period and
8 inserting “or a criminal investigator who is paid
9 availability pay under section 5545a.”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect as if included in the enact-
12 ment of section 1114 of the National Defense Authoriza-
13 tion Act for Fiscal Year 2002 (Public Law 107–107; 115
14 Stat. 1239).

15 **SEC. 3. SPECIAL PAY ADJUSTMENTS FOR FEDERAL LAW**
16 **ENFORCEMENT OFFICERS IN CERTAIN**
17 **AREAS.**

18 (a) IN GENERAL.—Section 404(b)(1) of the Federal
19 Law Enforcement Pay Reform Act of 1990 (5 U.S.C.
20 5305 note) is amended by striking the matter after the
21 semicolon and inserting the following:

“Area	Differential
Boston-Lawrence-Salem, MA-NH Consolidated Metropolitan Statistical Area	24.4%
Chicago-Gary-Lake County, IL-IN-WI Consolidated Metropoli- tan Statistical Area	24.5%
Detroit-Ann Arbor-Flint, MI	18.5%
Hartford, CT	20.3%
Los Angeles-Anaheim-Riverside, CA Consolidated Metropolitan Statistical Area	27.1%

“Area	Differential
New York-Northern New Jersey-Long Island, NY-NJ-CT Consolidated Metropolitan Statistical Area	26.1%
Philadelphia-Wilmington-Trenton PA-NJ-DE-MD Consolidated Metropolitan Statistical Area	20.3%
Portland-Salem, OR-WA	18.5%
Sacramento-Yolo, CA	21%
San Diego, CA Metropolitan Statistical Area	27.1%
San Francisco-Oakland-San Jose, CA Consolidated Metropolitan Statistical Area	32.03%
Seattle-Tacoma-Bremerton, WA	27.5%
Washington-Baltimore, DC-MD-VA-WV Consolidated Metropolitan Statistical Area	24.3%”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply with respect to pay for service per-
3 formed in pay periods beginning on or after the date of
4 the enactment of this Act.

5 **SEC. 4. SEPARATE PAY, EVALUATION, AND PROMOTION**
6 **SYSTEM FOR FEDERAL LAW ENFORCEMENT**
7 **OFFICERS.**

8 (a) STUDY.—Not later than 6 months after the date
9 of the enactment of this Act, the Office of Personnel Man-
10 agement shall study and submit to Congress a report
11 which shall contain its findings and recommendations re-
12 garding the need for, and the potential benefits to be de-
13 rived from, the establishment of a separate pay, evalua-
14 tion, and promotion system for Federal law enforcement
15 officers. In carrying out this subsection, the Office of Per-
16 sonnel Management shall take into account the findings
17 and recommendations contained in the September 1993
18 report of the Office entitled “A Plan to Establish a New

1 Pay and Job Evaluation System for Federal Law Enforce-
2 ment Officers”.

3 (b) DEMONSTRATION PROJECT.—

4 (1) IN GENERAL.—If, after completing its re-
5 port under subsection (a), the Office of Personnel
6 Management considers it to be appropriate, the Of-
7 fice shall implement, within 12 months after the
8 date of the enactment of this Act, a demonstration
9 project to determine whether a separate system for
10 Federal law enforcement officers (as described in
11 subsection (a)) would result in improved Federal
12 personnel management.

13 (2) APPLICABLE PROVISIONS.—Any demonstra-
14 tion project under this subsection shall be conducted
15 in accordance with the provisions of chapter 47 of
16 title 5, United States Code, except that a project
17 under this subsection shall not be taken into account
18 for purposes of the numerical limitation under sec-
19 tion 4703(d)(2) of such title.

20 (3) PERMANENT CHANGES.—Not later than 6
21 months before the demonstration project’s scheduled
22 termination date, the Office of Personnel Manage-
23 ment shall submit to Congress—

24 (A) its evaluation of the system tested
25 under the demonstration project; and

1 (B) recommendations as to whether or not
2 that system (or any aspects of that system)
3 should be continued or extended to other Fed-
4 eral law enforcement officers.

5 (c) FEDERAL LAW ENFORCEMENT OFFICER DE-
6 FINED.—For purposes of this section, the term “Federal
7 law enforcement officer” means a law enforcement officer
8 as defined by section 8331 or 8401 of title 5, United
9 States Code, and, subsection (b)(2) notwithstanding, in-
10 cludes any such officer serving in or under the Federal
11 Bureau of Investigation.

○